

PATENT
DOCKET NO. 2026-4149US3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Stracke, M. et al.

Serial No. : 08/977,221 **Group Art Unit :** 1652

Filed : November 24, 1997 **Examiner :** Longton, E.

For : AUTOTAXIN: MOTILITY STIMULATING PROTEIN
USEFUL IN CANCER DIAGNOSIS AND THERAPY

ASSISTANT COMMISSIONER OF PATENTS
Washington, D.C. 20231

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

Identity of Assignee

The petitioner, The Government of the United States, Department of Health and Human Services is the owner of the entire interest in the above-identified application by virtue of an assignment from the inventors to The Government of the United States, Department of Health and Human Services recorded at the United States Patent and Trademark Office on February 10, 1995 under Reel 7324, Frame 0799.

Identification of Person(s) Making This Disclaimer

Name of disclaimant: Dorothy R. Auth of Morgan & Finnegan, 345 Park Avenue, New York, New York 10154. Disclaimant represents she is a Registered Patent Attorney, Registration No. 24500, 08977221, and an Attorney of Record for the above identified application, and authorized to sign on behalf of the assignee identified above.

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Extent of Interest

The assignee is the owner of the entire right, title and interest of U.S. Patent No. 5,449,753.

Declaration Under 37 C.F.R. 3.73(b)

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

Disclaimer

The petitioner, through its Attorney of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in

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the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Fee Status

(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

 other than a small entity--fee \$110.00Fee Payment Attached is a check in the sum of \$110.00 Charge Deposit Account 13-4500, Order No. 2026-4149US3 for any fee deficiency required by this paper. Charge Account 13-4500, Order No. _____ the sum of _____ . A DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.

Date: July 14, 1999



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